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JCS85 U.S. PTO

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Please type a plus sign (+) inside this box [+]

PTO/SB/05 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**UTILITY PATENT APPLICATION TRANSMITTAL**  
(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 005158.P007X  
(maximum 12 characters)

First Named Inventor Xiaodong Li, et al

Title: MULTI-CARRIER COMMUNICATIONS WITH ADAPTIVE CLUSTER CONFIGURATION AND SWITCHING

Express Mail Label No. EL371006821US

ADDRESS TO: **Assistant Commissioner for Patents**  
**Box Patent Application**  
**Washington, D. C. 20231**

**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

1.  **Fee Transmittal Form (e.g., PTO/SB/17)**  
(Submit an original, and a duplicate for fee processing)
2.  **Applicant Claims Small Entity Status. (37 CFR 1.27)**
3.  **Specification (Total Pages 62)**  
(preferred arrangement set forth below)
  - Descriptive Title of the Invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4.  **Drawings(s) (35 USC 113) (Total Sheets 7)**
5.  **Oath or Declaration (Total Pages 5)**
  - a.  Newly Executed (Original or Copy)
  - b.  Copy from a Prior Application (37 CFR 1.63(d))  
(for Continuation/Divisional with Box 17 completed)
    - i.  **DELETIONS OF INVENTOR(S)** Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
    - c.  Unsigned.
6.  **Application Data Sheet. (37 CFR 1.76)**
7.  CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8.  Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)
  - a.  Computer Readable Form (CRF)
  - b.  Specification Sequence Listing on:
    - i.  CD-ROM or CD-R (2 copies); or
    - ii.  paper
  - c.  Statement verifying identity of above copies

**FEE TRANSMITTAL FOR FY 2001****TOTAL AMOUNT OF PAYMENT (\$)** 1276.00**Complete if Known:**Application No. Not yet assignedFiling Date Not yet assignedFirst Named Inventor Xiaodong Li, et al.Group Art Unit Not yet assignedExaminer Name Not yet assignedAttorney Docket No. 005158.P007X**METHOD OF PAYMENT** (check one)

1.  The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number 02-2666  
 Deposit Account Name Blakely, Sokoloff, Taylor & Zafman LLP

- Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

- Applicant claims small entity status. See 37 CFR 1.27

2.  Payment Enclosed:  Check  
 Credit Card  
 Money Order  
 Other

**FEE CALCULATION****1. BASIC FILING FEE**

| <u>Large Entity</u> | <u>Small Entity</u> | <u>Fee Description</u>             | <u>Fee Paid</u>  |
|---------------------|---------------------|------------------------------------|------------------|
| Fee                 | Fee                 | Fee                                | Fee              |
| Code                | (\$)                | Code                               | (\$)             |
| 101                 | 710                 | 201                                | 355              |
| 106                 | 320                 | 206                                | 160              |
| 107                 | 490                 | 207                                | 245              |
| 108                 | 710                 | 208                                | 355              |
| 114                 | 150                 | 214                                | 75               |
|                     |                     | Utility application filing fee     | <u>710.00</u>    |
|                     |                     | Design application filing fee      | <u>      </u>    |
|                     |                     | Plant filing fee                   | <u>      </u>    |
|                     |                     | Reissue filing fee                 | <u>      </u>    |
|                     |                     | Provisional application filing fee | <u>      </u>    |
| <b>SUBTOTAL (1)</b> |                     |                                    | <b>\$ 710.00</b> |

**2. EXTRA CLAIM FEES**

|                    | <u>Extra Claims</u> | <u>Fee from below</u> | <u>Fee Paid</u>         |
|--------------------|---------------------|-----------------------|-------------------------|
| Total Claims       | <u>47</u>           | <u>- 20** = 27</u>    | <u>X 18.00 = 486.00</u> |
| Independent Claims | <u>4</u>            | <u>- 3** = 1</u>      | <u>X 80.00 = 80.00</u>  |
| Multiple Dependent |                     |                       | <u>=</u>                |

\*\*Or number previously paid, if greater; For Reissues, see below.

Large Entity Small Entity

| <u>Fee</u> | <u>Fee</u> | <u>Fee</u> | <u>Fee</u> | <u>Fee Description</u>                                    |
|------------|------------|------------|------------|---|
| Code       | (\$)       | Code       | (\$)       |   |
| 103        | 18         | 203        | 9          | Claims in excess of 20                                    |
| 102        | 80         | 202        | 40         | Independent claims in excess of 3                         |
| 104        | 270        | 204        | 135        | Multiple dependent claim, if not paid                     |
| 109        | 80         | 209        | 40         | **Reissue independent claims over original patent         |
| 110        | 18         | 210        | 9          | **Reissue claims in excess of 20 and over original patent |

**SUBTOTAL (2) \$ 566.00**

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

| <u>Large Entity</u> | <u>Small Entity</u> | <u>Fee Description</u> | <u>Fee Paid</u> |  |       |
|---------------------|---------------------|------------------------|-----------------|--|-------|
| Fee<br>Code         | Fee<br>(\$)         | Fee<br>Code            | Fee<br>(\$)     |  |       |
| 105                 | 130                 | 205                    | 65              | Surcharge - late filing fee or oath  | _____ |
| 127                 | 50                  | 227                    | 25              | Surcharge - late provisional filing fee or cover sheet                     | _____ |
| 139                 | 130                 | 139                    | 130             | Non-English specification  | _____ |
| 147                 | 2,520               | 147                    | 2,520           | For filing a request for ex parte reexamination                            | _____ |
| 112                 | 920*                | 112                    | 920*            | Requesting publication of SIR prior to Examiner action                     | _____ |
| 113                 | 1,840*              | 113                    | 1,840*          | Requesting publication of SIR after Examiner action                        | _____ |
| 115                 | 110                 | 215                    | 55              | Extension for reply within first month                                     | _____ |
| 116                 | 390                 | 216                    | 195             | Extension for reply within second month                                    | _____ |
| 117                 | 890                 | 217                    | 445             | Extension for reply within third month                                     | _____ |
| 118                 | 1,390               | 218                    | 695             | Extension for reply within fourth month                                    | _____ |
| 128                 | 1,890               | 228                    | 945             | Extension for reply within fifth month                                     | _____ |
| 119                 | 310                 | 219                    | 155             | Notice of Appeal   | _____ |
| 120                 | 310                 | 220                    | 155             | Filing a brief in support of an appeal                                     | _____ |
| 121                 | 270                 | 221                    | 135             | Request for oral hearing   | _____ |
| 138                 | 1,510               | 138                    | 1,510           | Petition to institute a public use proceeding                              | _____ |
| 140                 | 110                 | 240                    | 55              | Petition to revive – unavoidable   | _____ |
| 141                 | 1,240               | 241                    | 620             | Petition to revive - unintentional   | _____ |
| 142                 | 1,240               | 242                    | 620             | Utility issue fee (or reissue)   | _____ |
| 143                 | 440                 | 243                    | 220             | Design issue fee   | _____ |
| 144                 | 600                 | 244                    | 300             | Plant issue fee  | _____ |
| 122                 | 130                 | 122                    | 130             | Petitions to the Commissioner  | _____ |
| 123                 | 50                  | 123                    | 50              | Processing fee under 37 CFR 1.17(q)  | _____ |
| 126                 | 180                 | 126                    | 180             | Submission of Information Disclosure Stmt                                  | _____ |
| 581                 | 40                  | 581                    | 40              | Recording each patent assignment per property (times number of properties) | _____ |
| 146                 | 710                 | 246                    | 355             | For filing a submission after final rejection (see 37 CFR 1.129(a))        | _____ |
| 149                 | 710                 | 249                    | 355             | For each additional invention to be examined (see 37 CFR 1.129(b))         | _____ |
| 179                 | 710                 | 279                    | 355             | Request for Continued Examination (RCE)                                    | _____ |
| 169                 | 900                 | 169                    | 900             | Request for expedited examination of a design application                  | _____ |
| 195                 | 300                 | 195                    | 300             | Publication fee for early, voluntary, or normal publication                | _____ |
| 196                 | 300                 | 196                    | 300             | Publication fee for republication  | _____ |
| 194                 | 130                 | 194                    | 130             | Request for voluntary publication or republication                         | _____ |
| 098                 | 130                 | 098                    | 130             | Processing fee under 37 CFR 1.17(i)  | _____ |
| 091                 | 1,240               | 091                    | 1,240           | Acceptance of unintentionally delayed claim for priority                   | _____ |

Other fee (specify) \_\_\_\_\_

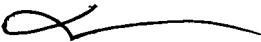
Other fee (specify) \_\_\_\_\_

**SUBTOTAL (3) \$ 0**

\*Reduced by Basic Filing Fee Paid

**SUBMITTED BY:**

Typed or Printed Name: Michael J. Mallie

Signature:  Date: April 17, 2001

Reg. Number: 36,591 Telephone Number: 408-720-8300

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

03C0V

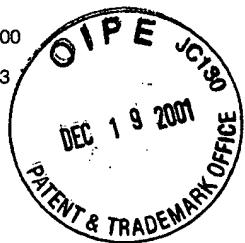
# BLAKELY SOKOLOFF TAYLOR & ZAFMAN

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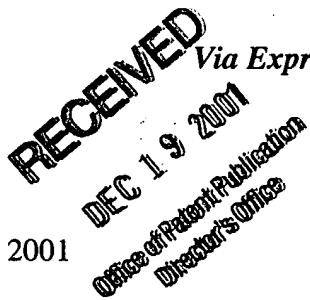
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SEATTLE, WA  
DENVER, CO

13 December 2001

Assistant Commissioner for Patents  
US Patent and Trademark Office  
Washington, D.C. 20231  
Box PG Pub



Re: USSN: 09/837,701 Filed: 17 April 2001  
Applicant: LI, Xiaodong  
Title: MULTI-CARRIER COMMUNICATIONS WITH ADAPTIVE  
CLUSTER CONFIGURATION AND SWITCHING  
*Transmittal of Request to Rescind Previous Request*  
*Under 35 USC 122(b)(2)(B)(ii)*  
Our File No.: 005158.P007X

Dear Sirs:

We have filed the above-identified application under the Patent Cooperation Treaty (PCT). A Request and Certification under 35 USC 122(b)(2)(B)(i) has been submitted for this invention, we herewith submit a Request to Rescind Previous Nonpublication Request under 35 USC 122(b)(2)(B)(ii).

Respectfully submitted,

Blakely, Sokoloff, Taylor & Zafman LLP

Michael J. Mallie  
Reg. No. 36,591

MJM/jls  
Enclosure

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail Label # EL470490307US in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, Box PG Pub.

Signature

12.13.01

Date

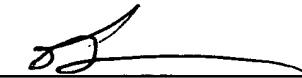
**REQUEST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor Xiaodong Li, et al  
Title MULTI-CARRIER COMMUNICATIONS WITH ADAPTIVE CLUSTER CONFIGURATION AND SWITCHING  
Attorney Docket No. 005158.P007X

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

April 17, 2001

Date



Signature

Michael J. Mallie

Typed or Printed Name

36,591

Registration No.

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months after the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Send to: Assistant Commissioner for Patents, Washington, D.C. 20231

## EXPRESS MAIL CERTIFICATE OF MAILING

"Express Mail" mailing label number: EL371006821US

Date of Deposit: 4/17/01

I hereby certify that I am causing this paper or fee to be deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above and that this paper or fee has been addressed to the Assistant Commissioner for Patents, Washington, D. C. 20231

Mara E. Brown  
(Typed or printed name of person mailing paper or fee)

Mara E. Brown  
(Signature of person mailing paper or fee)

4/17/01  
(Date signed)

|  |  |
|--|--|
| Serial/Patent No.: <u>***</u>  | Filing/Issue Date: <u>***</u>  |
| Client: <u>Broadstorm Telecommunications</u>   |  |
| Title: <u>MULTI-CARRIER COMMUNICATIONS WITH ADAPTIVE CLUSTER CONFIGURATION AND SWITCHING</u>         |  |
| BSTZ File No.: <u>005158.P007X</u>   | Atty/Secty Initials: <u>MJM/mzb</u>  |
| Date Mailed: <u>04/17/01</u>   | Docket Due Date: <u>****</u>   |
| The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:    |  |
| <input type="checkbox"/> Amendment/Response ( <u>  </u> pgs.)  | <input checked="" type="checkbox"/> Express Mail No.: <u>EL371006821XX</u> Check No. <u>42241</u>                              |
| <input type="checkbox"/> Appeal Brief ( <u>  </u> pgs.) (in triplicate)                              | <input type="checkbox"/> Month(s) Extension of Time US Amt: <u>\$1276.00</u>   |
| <input type="checkbox"/> Application - Utility ( <u>  </u> pgs., with cover and abstract)            | <input type="checkbox"/> Information Disclosure Statement & PTO 140 ( <u>  </u> pgs.) <input type="checkbox"/> Check No. _____ |
| <input type="checkbox"/> Application - Rule 1.53(b) Continuation ( <u>  </u> pgs.)                   | <input type="checkbox"/> Issue Fee Transmittal Amt: _____  |
| <input type="checkbox"/> Application - Rule 1.53(b) Divisional ( <u>  </u> pgs.)                     | <input type="checkbox"/> Notice of Appeal  |
| <input checked="" type="checkbox"/> Application - Rule 1.53(b) CIP ( <u>62</u> pgs.)                 | <input type="checkbox"/> Petition for Extension of Time  |
| <input type="checkbox"/> Application - Rule 1.53(d) CPA Transmittal ( <u>  </u> pgs.)                | <input type="checkbox"/> Petition for _____  |
| <input type="checkbox"/> Application - Design ( <u>  </u> pgs.)                                      | <input checked="" type="checkbox"/> Postcard   |
| <input type="checkbox"/> Application - PCT ( <u>  </u> pgs.)   | <input type="checkbox"/> Power of Attorney ( <u>  </u> pgs.)   |
| <input type="checkbox"/> Application - Provisional ( <u>  </u> pgs.)                                 | <input type="checkbox"/> Preliminary Amendment ( <u>  </u> pgs.)   |
| <input type="checkbox"/> Assignment and Cover Sheet  | <input type="checkbox"/> Reply Brief ( <u>  </u> pgs.)   |
| <input checked="" type="checkbox"/> Certificate of Mailing   | <input type="checkbox"/> Response to Notice of Missing Parts   |
| <input checked="" type="checkbox"/> Declaration & POA ( <u>5</u> pgs.) <u>unsigned</u>               | <input type="checkbox"/> Small Entity Declaration for Indep. Inventor/Small Business   |
| <input type="checkbox"/> Disclosure Docs & Orig & Copy of Inventor's Signed Letter ( <u>  </u> pgs.) | <input checked="" type="checkbox"/> Transmittal Letter, <u>XX</u>  |
| <input checked="" type="checkbox"/> Drawings: <u>7</u> # of sheets includes <u>14</u> figures        | <input checked="" type="checkbox"/> Fee Transmittal, in duplicate  |
| <input checked="" type="checkbox"/> Other: <u>Request and Certification.</u>                         |  |